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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,872	05/24/2001	Stefan Boneberg	1748X/49969	9481
23911	7590	07/01/2004	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			DUONG, THANH P	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/863,872

Applicant(s)

BONEBERG ET AL.

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 1 is objected to because of the following informalities: In claim 1, Tstart\_1 > Tstart\_1 should be replaced with Tstart\_1 > **Trated\_1**. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-4, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Benz et al. (6,187,066). Regarding claims 1 and 12, Benz et al. discloses a method for operating a gas generation device for a fuel cell system (Col. 2-Col. 4) having at least two gas generation units (2,3) which a starting-material stream flows in sequence (See Figs. 1-2) , and which have a first (Col. 3, lines 49-50) and second rated power (Col. 3, lines 52-53) and a first and second predetermined operating temperature (Col. 3, lines 58-67), respectively, said method comprising: providing the first gas generation unit (3) with a lower

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thermal mass (Col. 3, lines 49-50) than the second gas generation unit (Col. 3, lines 12-13); during a starting phase (cold start) of the gas generation device, operating only the first gas generation unit (Col. 3, lines 49-53), with power  $P_{start\_1} > P_{rated\_1}$  (Col. 3, lines 49-53) or at an operating temperature  $T_{start\_1} > T_{start\_2}$  (Col. 3, lines 58-67 and Col. 4, lines 1-5); and after the end of the starting phase, operating at least the second gas generation unit (Col. 4, lines 1-5). Regarding claim 3, Benz discloses the gas generation units are indirectly heated for endothermic steam reforming (Col. 2, lines 33-36); the first gas generation unit is operated during the starting phase at a temperature  $T_{start\_1} > T_{rated\_1}$  and is supplied with at most a quantity of operating medium which corresponds to an instantaneously required power (Col. 2, lines 60-62); and after the end of the starting phase, the gas generation units are operated at predetermined operating temperatures (Col. 3, lines 60-67). Regarding claim 4, Benz discloses the starting phase, at least the first gas generation unit, is also supplied with an oxygen-containing medium in addition to the operating medium (Col. 3, lines 49-50); at least the first gas generation unit is suitable for partial oxidation or for autothermal operation (Col. 3, lines 1-3 and Col. 5, lines 44-47); and during the starting phase at most a quantity of operating medium or quantity oxygen-containing medium which corresponds to the power  $P_{start\_1}$  is supplied (Col. 3, lines 35-37). Regarding claim 10, Benz discloses means (electrical heating device) for keeping the first gas generation unit warm (Col. 2, lines 60-63 and Col. 6, lines 51-54). Regarding claim 11, Benz discloses the starting phase has ended as soon as the components of the fuel cell system through which the

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product gas stream of the first gas generation unit flows have reached a predetermined operating temperature (Col. 4, lines 1-5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 5-9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benz et al '066. Regarding claims 2, 7-9, and 13, Benz discloses the describes the method wherein after the starting phase has ended, in the event of a low and medium load only the second gas generation unit is operated (Col. 4, lines 1-5 and Col. 5, lines 12-13). Benz fails to disclose expressly the first gas generation unit is operated only when a required power exceeds the rated power  $Prated\_2$  of the second gas generation unit is required, and the oxygen-containing medium is supplied to the first gas generation when a required power exceeds the rated power  $Prated\_2$  of the second gas generation unit. However, Benz discloses that most of the conversion process takes place in the central component 2 (second gas generation) and the remaining conversion takes place in the component 3 (first gas generation) during a hot operation (Col. 5, lines 13-21). Note, the feedback control device 12 (Figures 1-2) provides the benefits for controlling the operating reaction and temperature in

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both the central component 2 (second gas generation unit) and the cold-start component 3 (the first gas generation unit). Thus, it is obvious that the cold-start component 3 (first gas generation) provides some and/or additional conversion of the fuel/air in the event the central component 2 (second gas generation) becomes overheated or overload. Therefore, it would have been obvious in view of Benz to one having ordinary skill in the art to provide such controlling safety feature where the cold-start component 3 operates or handles a portion of the conversion process when the central component 2 (second gas generation) becomes overheated or overloaded ( $P_{\text{operate\_2}} > P_{\text{rated\_2}}$ ). Regarding claim 5, Benz discloses after the end of the starting phase, the first gas generation unit is supplied with only a quantity of oxygen-containing medium which is reduced compared the maximum quantity reached during the starting phase (Col. 5, lines 16-21). Regarding claim 6, Benz discloses no oxygen containing medium is supplied (Col. 4, lines 1-2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

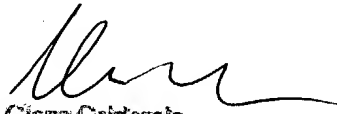
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong  
June 14, 2004

TD



Glenn Calderola  
Supervisory Patent Examiner  
Technology Center 1700